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INTERTRUST TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C 01 1640 JL

INTERTRUST TECHNOLOGIES
CORPORATION,
a Delaware corporation,

Plaintiff,

v.

MICROSOFT CORPORATION, a
Washington corporation,

Defendant.

Case No.

COMPLAINT FOR INFRINGEMENT OF
U.S. PATENT NO. 6,185,683 B1

DEMAND FOR JURY TRIAL

Plaintiff INTERTRUST TECHNOLOGIES CORPORATION (hereafter "InterTrust")
hereby complains of Defendant MICROSOFT CORPORATION (hereafter "Microsoft"), and
alleges as follows:

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RICHARD W. WIERING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

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1 § 271(a), thereby inducing infringement of the '683 patent under § 271(b). InterTrust is further
2 informed and believes, and on that basis alleges, that Microsoft's infringement of the '683 patent
3 under §271(b) will continue unless enjoined by this Court.

4 12. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
5 been and is contributorily infringing the '683 patent under § 271(c) by providing digital rights
6 management software and related functions especially made or especially adapted for infringing
7 use and not staple articles or commodities of commerce suitable for substantial noninfringing
8 use. InterTrust is further informed and believes, and on that basis alleges, that Microsoft's
9 infringement of the '683 patent under §271(c) will continue unless enjoined by this Court.

10 13. InterTrust is informed and believes, and on that basis alleges, that Microsoft is
11 willfully infringing the '683 patent in the manner described above in paragraphs 10 through 12,
12 and will continue to do so unless enjoined by this Court.

13 14. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
14 derived and received, and will continue to derive and receive from the aforesaid acts of
15 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not
16 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has
17 been, and will continue to be, irreparably harmed.

18 PRAYER FOR RELIEF

19 WHEREFORE, InterTrust prays for relief as follows:

20 A. That Microsoft be adjudged to have infringed the '683 patent under 35 U.S.C. §
21 271(a);

22 B. That Microsoft be adjudged to have infringed the '683 patent under 35 U.S.C. §
23 271(b) by inducing others to infringe directly the '683 patent under 35 U.S.C. § 271(a);

24 C. That Microsoft be adjudged to have contributorily infringed the '683 patent under
25 35 U.S.C. § 271(c);

26 D. That Microsoft be adjudged to have willfully infringed the '683 patent under 35
27 U.S.C. §§ 271(a), (b), and (c);

28 E. That Microsoft, its officers, agents, servants, employees and attorneys, and those

1 persons in active concert or participation with them be preliminarily and permanently restrained
2 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '683 patent;

3 F. That this Court award damages to compensate InterTrust for Microsoft's
4 infringement, as well as enhanced damages, pursuant to 35 U.S.C. § 284;

5 G. That this Court adjudge this case to be exceptional and award reasonable
6 attorney's fees to InterTrust pursuant to 35 U.S.C. § 285

7 H. That this Court assess pre-judgment and post-judgment interest and costs against
8 Microsoft, and award such interest and costs to InterTrust, pursuant to 35 U.S.C. § 284; and

9 I. That InterTrust have such other and further relief as the Court may deem proper.
10
11

12 Dated: April 26, 2001

KEKER & VAN NEST, LLP

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15 By: 

16 JOHN W. KEKER
17 Attorneys for Plaintiff
18 INTERTRUST TECHNOLOGIES
19 CORPORATION
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Dated: April 26, 2001

By:

JOHN W. KEKER
Attorneys for Plaintiff
INTERTRUST TECHNOLOGIES
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